

DETAILED ACTION

This action is in response to Applicant's filing of 11/6/2008. Claims 1-24 are pending, claims 21-24 have been withdrawn from consideration and claims 1-20 are examined below.

Information Disclosure Statement

1. With respect to Applicant's assertion that a summary of the foreign Application is sufficient to warrant consideration of the information submitted in the IDS of 6/1/2005, Examiner agrees and has included an initialed PTOL-1449 indicating consideration of the cited references to the extent of the English language Abstract. Information in non-English languages has not been considered.

Claim Objections

2. Claims 1 and 20 objected to because of the following informalities: These claims recite information items each indicating a combination of elements i) and ii). The Examiner observes that such a recitation can read upon a combination that includes all of i) and none of ii). Such a reading is incongruent with the later extracting and transmission steps and the Specification. Examiner respectfully suggests language similar to "comprising a combination of both" i) and ii). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1, 2, 5, 6, 7, 8, 12, 15, and 16

This claim contains a number of recitations of intended use in the form of 'for' clauses. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (see MPEP § 2106). The Examiner respectfully suggests the elimination of 'for' so as to positively limit the various components using functional language. Examiner also respectfully suggests the use of semi-colons for separation of each positively recited limitation.

With respect to claim 20

This claim is directed to a method, but does not clearly recite explicit steps and instead recites the processes of which the various system structures are comprised. Examiner respectfully suggests elimination of 'an inputting process of' and similar language so as to positively recite the steps performed in combination with a wherein clause or similar, to define which structure performs the steps. Note that the wherein clause or similar is important for compliance with the recently affirmed machine-or-transformation test of In

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re Bilski. The Examiner also respectfully suggests the separation of each positive step with a semi-colon.

With respect to claims 1 and 20

It is unclear where the preamble of the claim ends and the body of the claim begins.

The Examiner respectfully suggests the use of a transition phrase followed by a colon to indicate the end of the claim preamble.

With respect to claims 3, 4, 9-11, 13, 14, 17, and 18

These claims are rejected for incorporating the material rejected above.

Allowable Subject Matter

5. Claims 1-18, and 20 would be allowable if rewritten or amended to overcome the Objections and rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/
Primary Examiner, Art Unit 3694